

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4308 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE M.R.CALLA Sd/-

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?
Nos.1 to 5 No.

NARANBHAI GANABHAI MARVADI

Versus

COMMISSIONER OF POLICE

Appearance:

MS SUBHADRA G PATEL for Petitioner

MR.NEEGAM SHUKLA,AGP for Respondents.

CORAM : MR.JUSTICE M.R.CALLA

Date of decision: 06/11/96

ORAL JUDGEMENT

This Special Civil Application is directed against the detention order dated 13.5.1996 passed by the Police Commissioner, Ahmedabad City detaining the petitioner under the provisions of Gujarat Prevention of Antisocial Activities Act, 1985. The petitioner is under detention on the basis of this order dated 13.5.1996

lodged at District Prison, Jamnagar.

The present Special Civil Application was filed on 24.6.1996 and on 25.6.1996 Rule returnable for 22.7.1996 was issued. So far neither any reply has been filed nor any affidavit of the Detaining Authority has been filed. The detention order and the grounds enclosed with the detention order show that three criminal cases under the Prohibition Act were registered against the petitioner. Besides this the Detaining Authority has also taken into consideration the statements of the witnesses made against the petitioner with regard to the incidents dated 27.4.1996 and 1.5.1996. The petitioner has been found to be engaged in the unauthorised business of liquor, beating innocent people, moving with the weapons and has been detained as bootlegger.

The grounds of detention is challenged on more than one grounds but the stress has been laid on the ground that no case of breach of public order has been made out on the petitioner.

In view of the reasons given in the judgment dated 4.10.1996 in Special Civil Application No. 3879 of 1996, it is clear that the allegation and material relied upon by the Detaining Authority against the petitioner do not constitute the case of breach of public order and it is at the most of a case of law and order.

Accordingly this Special Civil Application is allowed. The impugned detention order dated 13.5.1996 passed by the Police Commissioner, Ahmedabad City is hereby quashed and set aside. The petitioner's detention is declared to be illegal. The respondents are directed to release the petitioner forthwith if not required in any other case. Rule is made absolute.
